COMMENTS

The enclosed is responsive to the Examiner's Final Office Action mailed

on January 18, 2007 and is being filed pursuant to a Request for Continued

Examination (RCE) under 37 CFR 1.114. At the time the Examiner mailed the

Office Action claims 1-34 were pending. By way of the present response the

Applicant has: 1) amended claims 1 and 18-34; 2) has not added any claims; 3)

has not canceled any claims. As such, claims 1-34 remain pending. The

Applicant respectfully requests reconsideration of the present application and the

allowance of claims 1-34.

Objections to the Specification

The Examiner has objected to the specification for minor informalities

including the spelling out of acronyms and the use of trademarks. The Applicant

has amended the specification in various places to address the Examiner's

concerns and respectfully submits that the specification is presently is sufficient

condition to warrant removal of the Examiner's concerns.

Claim Rejections Under 35 U.S.C. § 101

The Examiner has rejected claims 18-24 under 35 U.S.C. § 101 principally

because the claims are directed to carrier waves. See, Examiner's Office Action,

mailed 1/18/07, p. 3. In response the Applicant has amended independent claim

18 to recite "stored . . . program code". Although the Applicant disagrees with the Examiner's interpretation of 35 USC § 101, the Applicant respectfully submits that the claim as amended should be acceptable to the Examiner.

Claim Rejections Under 35 U.S.C. § 102(e)

Independent claims 1 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub'd App. No. 2005/0039171, hereinafter "Avakian". The Applicant has amended claims 1 and 18 and respectfully submits that the claims as amended are not anticipated by the Avakian reference for the reasons provided below. The Applicant's independent claim 1, recites (emphasis added):

A method, comprising:

in an object oriented run-time environment:, after a class has been loaded:

a) invoking a second method from a first method, said first method belonging to said
class, said invoking comprising providing an identification of said first method and
said class;
b) identifying a plug-in module for said first method based upon said identification,
said plug-in module containing a handler method;
c) executing said handler method to report and/or record information about said first
method; and,
d) executing said first method from a point beyond where said second method was
invoked.

The Applicant respectfully submits that the wording of the Applicant's claims includes the limitation that the identification of the plug-in module occurs after the class containing the instrumented method has been loaded. By contrast, the Avakian reference is clearly limited to teaching identification of the plug-in module during the loading of the class that contains the instrumented method.

Specifically, noting that the ExecCallback interface 36 of Avakian is an interface to a plug-in (*See, e.g.*, Avakian, Figs. 2, 3 and para. [0095] (". . . the plug-in instrument 27A implements the execCallback interface 36 . . ."), the Avakian reference affirmatively recites (emphasis added):

> The instrumented tool 38 inserts instrumentation code into the instrumented class <u>to load an appropriate plug-in instrument when the instrumented class is initialized</u>. To ensure an instrument object that implements the execCallback interface 36 <u>is loaded before any methods in the instrumented class are called</u>, the instrumentation tool 38 modifies the class initialization method <clinit> of the instrumented class <u>to load the instrumentation object at class initialization time</u>. . . The <clinit> method calls a static method "getHook" (or a method that calls GetHook), which either creates the plug-in instrument object or uses a factory object to create the plug-in instrument object.

Avakian, para. [0066].

> <u>Events Occurring at Class-Load Time</u>
> . . .
> The getHook method returns an ExecCallback object which implements the ExecCallback interface, i.e., the getHook method <u>returns a plug-in instrument</u>.

Avakian, para. [0119], [0122].

Thus, the Applicant respectfully submits that Avakian fails to anticipate the Applicants claims because the Applicant's claims recite identification of a plug-in instrument for a method after the method's class loading has been performed but Avakian only discloses identification of a plug-in module for a method during the method's class loading.

Because the Applicant has demonstrated the patentability of all pending independent claims, the Applicant respectfully submits that all pending claims

are allowable. The Applicant's silence with respect to the dependent claims should not be construed as an admission by the Applicant that the Applicant is complicit with the Examiner's rejection of these claims. Because the Applicant has demonstrated the patentability of the independent claims, the Applicant need not substantively address the theories of rejection applied to the dependent claims.

In the further interests of efficiency, the Applicant reserves the right under MPEP 2144.03.C to cause the Examiner to find in the prior art subject matter to which the Examiner has taken Official Notice at a later time in the prosecution of the present case when the subject matter of such prior art is actually at issue.
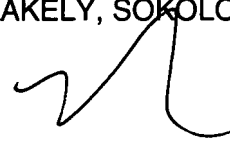
CONCLUSION

For the reasons provided above, the Applicant respectfully submits that the current set of claims is allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Robert B. O'Rourke at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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